



PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants: Gary W. Guent, et al

Examiner: Gilbert, Samuel G.

Serial No.: 10/716,799

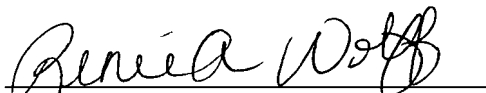
Group Art Unit: 3735

Filing Date: November 19, 2003

Docket No.: P-9877.09 (MTI0062/US/3)

Title: DEVICE FOR ORGAN POSITIONING

**CERTIFICATE OF MAILING UNDER 37 CFR 1.8:** I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on this 23<sup>rd</sup> day of July, 2007.

  
Signature  
Renee A. Wolff  
Printed Name

TERMINAL DISCLAIMER UNDER 37 C.F.R. § 1.321(b)

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Certificate Under 37 C.F.R. § 3.73(b)

Your petitioner, Medtronic, Inc., a corporation of the State of Minnesota having a place of business at 710 Medtronic Parkway, Minneapolis, Minnesota, certifies that it is the exclusive owner of the entire right, title and interest in and to the above-identified patent application (Serial No. 10/716,799), by virtue of an assignment recorded at R012223/F0634, on 10-01-2001, and in and to U.S. Patent Application Serial No. 10/654,040, filed on September 3, 2003, by virtue of an assignment recorded at R012223/F0634 on 10-01-2001.

The undersigned (whose title is supplied below) is empowered to act on behalf of Petitioner.

Documents establishing the chain of title of the subject patent application (including the aforementioned assignment and a notice from the Patent and Trademark Office noting its

Serial No. 10/716,799

Dkt.: P-9877.09 (MTI0062/US/3)

Filing Date: November 19, 2003

Title: DEVICE FOR ORGAN POSITIONING

recording location) have been reviewed and I certify that, to the best of my knowledge and belief, title is in Petitioner.

**Terminal Disclaimer**

Petitioner hereby disclaims, except as provided below, the terminal part of any patent granted on the above-identified patent application that would extend beyond the expiration date of a full statutory term as defined in 35 U.S.C. §154 to §156 and §173 of any patent granted on the above-identified pending reference application serial no. 10/654,040, not shortened by terminal disclaimer. Petitioner hereby agrees that any patent granted on the above-identified patent application shall be enforceable only for and during such period that the legal title to such patent and any patent granted on the pending reference application serial no. 10/654,040 are commonly owned. This agreement is to run with any patent granted on the above-identified patent application and to be binding upon the grantee, its successors and assigns.

**Limitations on the Disclaimer**

In making the above disclaimer, Petitioner does not disclaim any terminal part of any patent granted on the above-identified patent application prior to the expiration date of the full statutory term, not shortened by terminal disclaimer, of any patent granted on the pending reference application serial no. 10/654,040 if any or all of such patent: (1) expires for failure to pay a maintenance fee; (2) is held unenforceable or is found invalid by a court of competent jurisdiction; (3) is statutorily disclaimed in whole or terminally disclaimed under 37 C.F.R. §1.321; (4) has all claims canceled by a reexamination certificate; (5) is reissued; or (6) is otherwise terminated prior to the expiration of its full statutory term.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made herein on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both under 18 U.S.C. §1001 and that such willful false statements may jeopardize the validity of the above-identified application or any patent issuing thereon.

**TERMINAL DISCLAIMER**

**Page 3**

Serial No. 10/716,799

Dkt.: P-9877.09 (MTI0062/US/3)

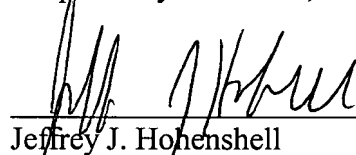
Filing Date: November 19, 2003

Title: DEVICE FOR ORGAN POSITIONING

Please charge \$130.00 to Deposit Account No. 13-2546 for the fee required by 37 C.F.R. § 1.20(d). Please charge any additional required fees or credit any overpayment to Deposit Account No. 13-2546.

Date: July 11, 2007

Respectfully submitted,



Jeffrey J. Hohenshell  
Sr. Patent Counsel  
Medtronic Cardiovascular  
Medtronic, Inc.  
710 Medtronic Parkway  
Minneapolis, MN 55432  
Tel.: (763) 391-9661  
Fax: (763) 391-9668